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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,773

08/25/2003

Masayuki Minamino

241735US8

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22850

7590

09/22/2004

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EXAMINER

THOMAS, BRANDI N

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,773

Applicant(s)

MINAMINO ET AL.

Examiner

Brandi N Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 6/29/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuhashi et al. (US 2001/0038498 A1).

Regarding claim 17, Furuhashi et al. discloses, in figures 1, 3, 4A, and 4B, an optical module mounted body comprising: an optic module (10); means for mounting said optical module (10) (section 0024); and means for resiliently and removably securing said optical module to said mounting board (2) (section 0034).

Regarding claim 18, Furuhashi et al. discloses an optical module mounted body further comprising means for pressing said optical module against the mounting surface (section 0038).

Regarding claim 19, Furuhashi et al. discloses, in figures 1, 3, 4A, and 4B, a mounting board comprising: a plate member (2) having a mounting surface and an undersurface opposite the mounting surface; and at least one heat conducting member embedded in said plate member (2) and connecting continuously said mounting surface and said undersurface of said plate member (2) (section 0033); wherein each of said at least one heat conducting member are exposed on each one of said mounting surface (11a) and said undersurface (section 0033).

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Regarding claim 20, Furuhashi et al. discloses that the mounting board (2) functions as a heat sink (heat conducting member) (section 0033). It is inherent for the heat conducting member to be coplanar with the mounting surface this being reasonably based upon the heat conducting member is incorporated within the mounting board, therefore the heat conducting member and the surface of the mounting board would be lying on the same plane.

Allowable Subject Matter

3. Claims 1-16 are allowed.
4. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 1-16, wherein the claimed invention comprises an optical module mounted body comprising: a mounting board having a mounting surface with a plurality of holes, wherein the plurality of legs are inserted in the plurality of holes, the plurality of engagement portions resiliently engaging with said mounting board to hold said optical module to said mounting board, as claimed.

Response to Arguments

5. Applicant's arguments with respect to claims 17-20 have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 17 and 18, Furuhashi et al. does disclose the means for mounting the optical module and the ability to remove the optical module from the mounting board. Regarding claims 19 and 20, Furuhashi et al. does disclose a heating member incorporated into the plate member; therefore the heating member and the plate

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member are coplanar. In regards, to claims 17-20, the examiner has changed the rejection from a 103 obvious rejection, using case law, to a 102 (b) rejection based upon the similarity between the heating member of the applicant's invention and the heat sink of Furuhashi et al and new interpretation of the heating member to the heat sink.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 8-5.

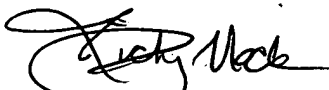
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BNT

BNT
September 20, 2004


RICKY MACK
PRIMARY EXAMINER